

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

IN RE:) CASE NO. 13-10835 JDW
)
DENISE E. MOONEY)
DEBTOR) CHAPTER 7

NOTICE OF MOTION TO SELL PROPERTY OF THE ESTATE

JOY R. WEBSTER, TRUSTEE IN THE ABOVE-STYLED CASE FILED PAPERS TO SELL PROPERTY OF THE ESTATE. THE TRUSTEE PROPOUNDS THIS NOTICE PURSUANT FRBP 6004, M.D. GA. LBR 6004-1.

THE TRUSTEE PROPOSES TO SELL THE ESTATE'S 100% MEMBERSHIP INTEREST IN FITZGERALD LAND VENTURES, LLC FOR \$20,000.00, 25% MEMBERSHIP INTEREST IN TCW TRADING COMPANY, LLC FOR \$2,500.00 AND 25% MEMBERSHIP INTEREST IN THE CABINET WAREHOUSE, LLC FOR \$2,500.00 ALL TO DR. RUSSELL ACREE, P.O. BOX 68, ADEL, GA 31620.

THE TRUSTEE IS NOT RESPONSIBLE FOR ANY COSTS RELATED TO THE SALE.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO APPROVE THE MOTION TO SELL, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN OBJECTION OR RESPONSE ON OR BEFORE **APRIL 7, 2014**. THE OBJECTION OR RESPONSE SHOULD BE SENT TO THE CLERK OF THE COURT, U.S. BANKRUPTCY COURT, MIDDLE DISTRICT OF GEORGIA, P.O. BOX 1957, MACON, GA 31202. IF AN OBJECTION OR RESPONSE IS FILED A HEARING ON THE APPLICATION WILL BE HELD ON **MAY 7, 2014 AT 2:00 P.M.** IN THE U.S. COURTHOUSE & POST OFFICE, CB KING US COURTHOUSE, SECOND FLOOR, 201 WEST BROAD AVE., ALBANY, GA 31701.

IF YOU MAIL YOUR RESPONSE OR OBJECTION TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE THE OBJECTION OR RESPONSE ON OR BEFORE THE RESPONSE DATE STATED ABOVE.

ANY REQUEST OR OBJECTION MUST ALSO BE MAILED TO THE MOVING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION OR OBJECTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF.

This **17th** day of **March, 2014**.

Akin, Webster & Matson, P.C.
P.O. Box 1773
Macon, GA 31202
(478) 742-1889

U. S. Bankruptcy Court
P. O. Box 1957
Macon, GA 31202
(478) 752-3506

/s/ Robert M. Matson

Robert M. Matson
Attorney for Trustee
State Bar No. 477102
rmatson@akin-webster.com

UNITED STATES BANKRUPTCY COURT
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ALBANY DIVISION

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MOTION TO SELL PROPERTY OF THE ESTATE

Joy R. Webster, Trustee files this Motion to Sell Property of the Estate (“Motion”) pursuant to 11 U.S.C. § 363(b) and shows the Court the following:

1.

The Debtor filed her petition seeking relief under Chapter 7 of the Bankruptcy Code in this Court on June 27, 2013. Joy R. Webster is the Trustee (“Trustee”) in this case pursuant to 11 U.S.C. § 702(d).

2.

The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(N).

3.

Venue is proper pursuant to 28 U.S.C. § 1409.

4.

The Debtor listed a 25% membership interest in TCW Trading Company, LLC (“TCW”), a 25% membership interest in The Cabinet Warehouse, LLC (“Cabinet Warehouse”) and a 100% membership interest in Fitzgerald Land Ventures, LLC (“Fitzgerald Land”). The Debtor valued TCW at \$10.00 in schedule B, and she claimed an exemption of \$10.00 in TCW. The Debtor valued Cabinet Warehouse at \$10.00 in schedule B, and she claimed an exemption of \$10.00 in TCW. The Debtor valued Fitzgerald Land at \$20,000.00 in schedule B, and she claimed an exemption of \$10.00 in Fitzgerald Land.

5.

Dr. Russell Acree, a creditor in this case, owns a 50% membership interest in TCW and Cabinet Warehouse, and Tony Mooney, the Debtor’s ex-spouse, owns a 25% membership interest in TCW and Cabinet Warehouse.

6.

Tony Mooney filed a chapter 7 bankruptcy in the United States Bankruptcy Court for the Middle District of Florida on June 6, 2013, and the case is referenced as 13-04541 PMG. Valerie Hall Manuel is the duly appointed chapter 7 Trustee in Tony Mooney's pending bankruptcy case.

7.

Dr. Russell Acree ("Buyer") has made an offer to purchase the estate's interest in Fitzgerald Land for \$20,000.00, TCW for \$2,500.00 and Cabinet Warehouse for \$2,500.00. The Trustee wishes to sell these membership interests to the Buyer for the offered prices. The Buyer has also made an offer to Valerie Hall Manuel, Trustee to purchase the bankruptcy estate of Tony Mooney's membership interests in TCW for \$2,500.00 and Cabinet Warehouse for \$2,500.00. Valerie Hall Manuel, Trustee has also agreed to this sales price and will soon file a motion to sell her interest in TCW and Cabinet Warehouse to the Buyer.

8.

The Trustee requests permission to execute any instrument necessary to effectuate the sale. The Trustee also requests a waiver of the fourteen day stay period set forth in Fed.R.Bankr.P. 6004(h).

Wherefore, the Trustee prays that the Court enter an order granting her Motion to sell her interest in Fitzgerald Land, TCW and Cabinet Warehouse to the Buyer subject to the conditions set forth in this motion.

This 17th day of March, 2014.

Akin, Webster & Matson, P.C.
P.O. Box 1773
Macon, GA 31202
(478) 742-1889

/s/ Robert M. Matson

Robert M. Matson
Attorney for Trustee
State Bar No. 477102
rmatson@akin-webster.com

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

IN RE:) CASE NO. 13-10835 JDW
)
DENISE E. MOONEY)
DEBTOR) CHAPTER 7

CERTIFICATE OF SERVICE

This certifies that on this day, I served a copy of the Notice of Motion to Sell Property of the Estate and Motion to Sell Property of the Estate via electronic notice upon:

Elizabeth A. Hardy, Esq. Assistant United States Trustee 440 Martin Luther King Jr. Blvd. Suite 302 Macon, GA 31201	Matthew S. Cathey Attorney at Law 577 Mulberry St. Suite 800 Macon, GA 31201
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and upon the following and all interested parties listed on the attached matrix of the Court by depositing same in the U.S. mail in a properly addressed envelope with sufficient postage affixed thereto.

Dr. Russell Acree P.O. Box 68 Adel, GA 31620	Denise E. Mooney 169 Meadowlark Lane Fitzgerald, GA 31750
--	---

This **17th** day of **March, 2014.**

Akin, Webster & Matson, P.C.
P.O. Box 1773
Macon, GA 31202
(478) 742-1889

/s/ Robert M. Matson
Robert M. Matson
Attorney for Trustee
State Bar No. 477102
rmatson@akin-webster.com

Recovery Management Systems Corporation
25 SE 2nd Avenue Suite 1120
Miami, FL 33131-1605

Toyota Motor Credit Corporation
9441 LBJ Freeway, Suite 250
Dallas, TX 75243-4640

1
433 Cherry Street
P.O. Box 1957
Macon, GA 31202-1957

Colony Bank
P.O. Box 589
Cordele GA 31010-0589

Dr. Russell Acree
Post Office Box 68
Adel GA 31620-0068

FAS Capital, LLC
c/o Charles M. Leverett, Registered Agt.
561 D.T. Walton, Sr. Way
Macon GA 31201-7504

Fitzgerald Land Ventures, LLC
c/o John William Mooney
229 Benjamin H. Hill Drive West
Fitzgerald GA 31750-8696

J. Steven Bloodworth, Esq.
Post Office Box 232
Macon GA 31202-0232

(p)TOYOTA MOTOR CREDIT CORPORATION
PO BOX 8026
CEDAR RAPIDS IA 52408-8026

PlantersFirst
c/o Wayne Wetherington, Registered Agent
131 N Jackson St
Hawkinsville GA 31036-1547

Recovery Management Systems Corporation
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Tony Mooney
3948 3rd St. South
Box 292
Jacksonville Beach FL 32250-5847

U.S. Trustee - MAC
440 Martin Luther King Jr. Boulevard
Suite 302
Macon, GA 31201-7987

Denise E. Mooney
169 Meadowlark Lane
Fitzgerald, GA 31750-8644

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577 Mulberry Street
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Macon, GA 31201-8256

Ward Stone Jr.
Stone & Baxter, LLP
577 Mulberry Street, Suite 800
Fickling and Co. Building
Macon, GA 31201-8239

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Lexus Financial Services
PO Box 9490
Cedar Rapids IA 52409-9490

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

Case 13-10835 Doc 59 Filed 03/17/14 Entered 03/17/14 11:20:50 Desc Main
(u)FAS Capital, LLC. Document Page 6 of 6
End of Label Matrix
Available recipients 20
Bypassed recipients 1
Total 21